

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3364

AN ORDINANCE of the City of Bellevue, Washington, relating to Local Improvement District No. 261; amending Ordinance No. 3247; authorizing the issuance and sale of local improvement district bond anticipation notes in Local Improvement District No. 261 pending the receipt of the proceeds of the local improvement district bonds authorized to be issued by Ordinance No. 3247; and providing for the sale of such bond anticipation notes to Peoples Bank, Seattle, Washington.

WHEREAS, by Ordinance No. 3247 passed by the City Council on April 4, 1983, the City ordered the improvement of Northup Way from 130th Avenue N.E. to 140th Avenue N.E., all pursuant to Resolution No. 4152, and, after a public hearing thereon, established Local Improvement District No. 261, provided that payment for the improvement be made by special assessments upon the property in the local improvement district payable by the mode of "payment by bonds" and provided for the issuance and sale of local improvement district warrants or other short-term obligations redeemable by cash and/or by local improvement district bonds; and

WHEREAS, the City Council deems it to be in the best interest of the City that the City borrow money and issue its short-term obligation or obligations in the form of one or more local improvement district bond anticipation notes for the purpose of providing the funds with which to pay a part of the costs of carrying out the improvements ordered in Local Improvement District No. 261; and

WHEREAS, Peoples Bank, Seattle, Washington, has submitted an offer to purchase such short-term bond anticipation notes on the terms and conditions hereinafter set forth; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN as follows:

Section 1. Section 7 of Ordinance No. 3247 is amended to read as follows:

Section 7. Issuance and Sale of Local Improvement District Warrants and Bonds or Installment Notes. The Finance Director

is authorized to issue Local Improvement District warrants from time to time in such amounts as he/she may determine in payment, or from which to obtain funds to pay the costs and expenses of the improvements herein ordered. Such warrants shall be designated and payable out of the "Local Improvement Fund, District No. 261", bear interest from the date thereof at a rate to be hereafter fixed and to be redeemed in cash or by Local Improvement District bonds or installment notes herein authorized to be issued, said interest bearing warrants to be hereafter referred to as "Local Improvement District No. 261 Warrants." In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to Chapter 216, Laws of 1982.

Bonds payable on or before 12 years from the date of issuance may be issued in exchange for the redemption of any and all warrants issued hereunder not redeemed and cashed. In lieu of such bonds, installment note(s) may be issued as provided by statute. Said bonds or installment notes shall be redeemed by the collection of special assessments to be levied and assessed upon the property within said district, payable in 10 equal installments, with interest at a rate to be hereafter fixed by ordinance levying the assessment. In case of default in the payment of any assessment when the same shall become due, the delinquent installments, in addition to the interest payable as provided in this ordinance, shall be subject to a penalty charge of 5% levied upon both principal and interest due on such installment or installments; foreclosure shall be accomplished in the manner provided by law and the ordinances of the City of Bellevue. The exact amount, form, date and denomination of said bonds shall be fixed hereafter by ordinance of the City of Bellevue.

Section 2. The portion of the total estimated cost and expense of the improvements ordered to be carried out in Local Improvement District No. 261 (the "District") by Ordinance No. 3247 anticipated to be assessed against the specially benefitted properties in the District is \$1,641,575. A local improvement district bond anticipation note of the District (the "Note") therefore shall be issued in the principal amount of \$1,641,575. The Note shall be in fully registered form; shall be numbered R-1; shall be dated as of the date of its delivery to the purchaser thereof; shall mature eighteen months from that dated date; and shall bear interest at the rate of 8.0 % per annum calculated on an actual day basis, payable at maturity, with full obligation on the part of the City to pay interest at the same rate from and after maturity until the Note with interest is paid in full or until sufficient money for such payment in full is on deposit in the "Local Improvement Fund, District No. 261," created by Ordinance No. 3247, and the Note has been duly called for redemption by the City Treasury Manager's giving

written notice to Peoples Bank, Seattle, Washington, of such call at least ten days prior to the call date. Both principal of and interest on the Note shall be payable solely out of the "Local Improvement Fund, District No. 261," from the proceeds of local improvement district bonds authorized to be issued by such ordinance or other short-term obligations to be deposited in such fund and/or prepaid special benefit assessments deposited in such fund, and from the Local Improvement Guaranty Fund of the City, and shall be payable in lawful money of the United States of America at the office of the City Treasury Manager (the "Bond Registrar") in Bellevue, Washington. The City Council declares and finds that the fixing of the above interest rate is in the best interests of the City.

Section 3. The City may repay and redeem the Note on or after one year from its dated date at par plus accrued interest by giving written notice of such redemption to Peoples Bank, at its main office, at least thirty days prior to the proposed call date. Interest on the Note shall cease on the date fixed for such redemption upon the deposit in the "Local Improvement Fund, District No. 261," of sufficient money to redeem the Note, both principal and interest.

Section 4. The Note shall be registered as to both principal and interest on the books or records maintained by the Bond Registrar (the "Bond Register"). The Note shall be issued only in registered form and shall be registered in the name of Peoples Bank or its registered assignees to whom the Note has been transferred in accordance with its terms (the "Registered Owners").

The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver a Note transferred or exchanged in accordance with the provisions of the Note and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Note may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. The transfer of the Note shall be by the Bond Registrar's receiving the Note to be transferred, cancelling it and issuing a new certificate in the form of the Note to the transferee after registering the name and address of the transferee on the Bond Register. Such exchange or transfer shall be without cost to the owner or transferee.

The Note shall be typewritten in a form consistent with the terms of this ordinance, shall be signed by the Director of Finance of the City and sealed with the seal of the City. Only such Note as shall bear thereon a Certificate of Authentication manually executed by the Bond Registrar shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be

conclusive evidence that the Note so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

The Note shall be a negotiable instrument to the extent provided by RCW 62A.8-102 and 62A.8-105.

When the Note has been paid in full, both principal and interest, the Note shall be surrendered by the Registered Owner to the Bond Registrar, who shall destroy the same one month after the date of receipt of such Note. Upon destruction, the Bond Registrar shall furnish to the City a certificate of destruction and no further note shall be executed or authenticated or issued in exchange or substitution therefor.


Section 5. The City covenants that it will spend the principal proceeds of the Note with due diligence to completion of the purposes specified in this ordinance and will make no use of the proceeds of the Note or other funds of the City at any time during the term of the Note which will cause the Note to be an arbitrage obligation within the meaning of Section 103(c) of the United States Internal Revenue Code of 1954, as amended, and the applicable regulations promulgated thereunder.

Section 6. Peoples Bank, Seattle, Washington, has submitted an offer to purchase the Note at a price of par, the City to furnish the printed or typewritten Note and the approving legal opinion of Roberts & Shefelman, municipal bond counsel of Seattle, Washington, at the City's expense. Bond counsel shall not be required to review or express any opinion concerning the completeness or accuracy of any official statement, offering circular or other sales material issued or used in connection with the Note, and bond counsel's opinion shall so state. The City Council, deeming that it is in the best interest of the City that such offer be accepted, accepts the same. The Note shall, therefore, immediately upon its execution, be delivered to Peoples Bank, Seattle, Washington, upon payment therefor in accordance with such offer.


The principal proceeds received from the sale of the Note shall be paid into the "Local Improvement Fund, District No. 261," and used to pay a part of the cost of the improvements ordered to be carried out by Ordinance No. 3247.

Section 7. This ordinance shall be published by posting it in the three official posting places of the City and shall take effect and be in force five days after the date of posting.

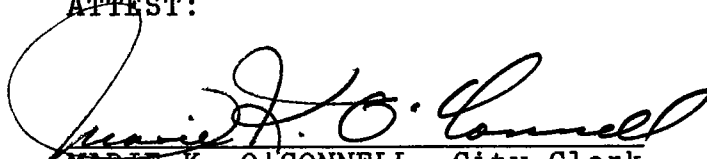
PASSED by the City Council this 16th day of April, 1984,
and signed in authentication of its passage this 16th day of
April, 1984.


CARY E. BOZEMAN, Mayor

APPROVED AS TO FORM:


RICHARD L. ANDREWS, Acting
City Attorney

ATTEST:


MARIE K. O'CONNELL, City Clerk

PUBLISHED: 4-21-84

0614b

I, MARIE K. O'CONNELL, City Clerk of the City of Bellevue, Washington, certify that the attached copy of Ordinance No. 3364 is a true and correct copy of the original ordinance passed on the 16th day of April, 1984, as that ordinance appears on the Minute Book of the City.

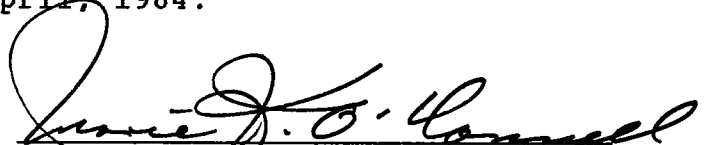
DATED this 16th day of April, 1984.

Vide L. Fessler for
Marie K. O'Connell
MARIE K. O'CONNELL, City Clerk

0614b

I, MARIE K. O'CONNELL, City Clerk of the City of Bellevue, Washington, certify that the attached copy of Ordinance No. 3365 is a true and correct copy of the original ordinance passed on the 16th day of April, 1984, as that ordinance appears on the Minute Book of the City.

DATED this 16th day of April, 1984.


MARIE K. O'CONNELL, City Clerk

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